SOME NEW BOOKS.

Jusserand's Literary History of the English People.

Voltaire professed to know a good deal about English literature; Taine proved that he possessed a considerable acquaintance with it; but it was reserved for M. J. J. JUSSERAND, the present French Ambassador to the United States, to show himself more conversant with the literature and social life of England during the fourteenth, fifteenth and sixteenth centuries than is any living Englishman. He first made himself known to English readers by his account of "English Wayfaring Life in the Middle Ages," which was followed by a study of "Piers Plowman," a monograph on "The English Novel in the Time of Shakespeare," and the story of "A French Ambassador at the Court of Charles II." His latest work is *A Literary History of the English People* (Putnams), the first volume of which, tracing the development of English literature from the origins to the Renaissance, was published some time ago. It is the second volume, which deals with the period stretching from the beginning of the English Renaissance to the civil war, which is now before us.

In the field covered by the present volume, which may be said to begin with the reign of Richard III. (1483) and to end with the assembling of the Long Parliament in the reign of Charles I., the author is subjected to comparison with many eminent historians who have explored the same documentary evidence, as, for example, Sir Thomas More, who wrote a history of Richard III.; Francis Bacon, who wrote a history of Henry VII.; Froude and James Gairdner, to say nothing of Hume, Lingard and others. We should note, however, that a study of the Elizabethan and the Jacobean dramatists is not included in the present volume, and apparently is reserved for its successor. What we have here—after an introductory chapter on the English Renaissance, which started about half a century later than the Italian—is an illuminating and impartial survey of the English Reformation; a review of the Elizabethan age from religious, commercial and social points of view; a chapter on the evolution of English prose and poetry in Tudor times, in which particular attention is paid to the lyrics and satires of Donne; a chapter wholly devoted to Spenser, and especially his "Faerie Queene"; and a concluding chapter on the beginnings of the English novel. In the brief compass of this notice we shall try to exhibit this French student of English literature and English life at his best, and shall therefore pass over what he has to say concerning the English Reformation, or about Edmund Spenser and other Elizabethan poets, though we advise our readers not to overlook it, and confine ourselves to his description of the condition of England, and especially of London, in the latter part of the sixteenth century, and to his singularly interesting investigation of the sources of the early English novel.

I.

In a chapter on "The Queen and Her Kingdom" M. Jusserand points out that London under Elizabeth had become, by comparison, a very large city, with a hundred thousand inhabitants. According to a French traveller of the period, it was "one of the finest, largest and richest cities in the whole world," and could not without derogation be named in the same sentence with Lisbon, Antwerp or Pampeluna. The English metropolis was still surrounded by the same old walls with which Chaucer was familiar, and retained the same gates, though a few others, Moorgate, Newgate, &c., had been added for the convenience of an increased population. The best preserved of these gates, framed as they were with towers, continued to serve as lodgings for worthy personages. For example, as Chaucer had inhabited Aldgate, so the famous printer and publisher, John Day, now lived in Aldersgate. The gates less well preserved were used, as they still are in the East, by disreputable people, "persons of lewde life." Such was the case with the postern facing the Tower of London. Only part of the ditches remained, and these, seldom cleaned, were full of muddy and stagnant water. Within the walls were crowded together houses, characterized by pointed roofs, by many windows with leaded panes of glass and by projecting stories, supported by girders ending in a volute, a flower or a monster. The great open spaces once used for military musters or tournaments were now covered with buildings. Rows of dwellings were going up in the once open space called Smithfield, which was situated outside the walls, and had witnessed the burning of many a martyr. At certain places the fortifications disappeared entirely in the midst of houses built on their two sides. Already the inhabitants of London had begun to think that their true defence lay, not in walls, but in ships. Everywhere the city was overflowing its former limits; the old country roads, which formerly had begun almost at the gates, were now become streets, and at various points important villages called "wards without" had been formed.

In the centre of the town an air of prosperity was noticeable; streets were filled with people and wagons, and with hawkers crying their wares; hammers would be beating in one place, tubs hooping in another, pots clinking in a third; the hum and smoke of a great city ascended toward the sky. Coaches had now come into use, provoking indignant protests on the part of foot passengers and horseback riders. The noisy and dangerous machines caused just such imprecations as are now uttered against automobiles. The ancient London regulations had prescribed that "the forehorse of every carriage should be led by hand," but, as Stow sorrowfully remarked, "these good orders are not observed," and "the world now runs on wheels with many whose parents were glad to go on foot." The new vehicles were imported in large numbers from Germany, and Dekker, writing in 1606, declares that "in every street carts and coaches make such a thundering as if the world ran upon wheels." The Thames, however, was still the highway and principal means of communication between the eastern and western parts of the town. Oars were never at rest. People had their barge more customarily than their carriage; one would take a barge as one would now take a cab. The Strand was then an elegant street, "being remote from the handicraft scent of the city." Up the river, on the way to Westminster, noble dwellings stood close together—Arundel House, Somerset House with its square embattled towers, Durham House, and then Whitehall, formerly the York House of Cardinal Wolsey, confiscated and rebaptized by Henry VIII., made up of a succession of buildings, courts, galleries, athwart the streets, the whole erected so as to front the Thames on one side and the park on the other, with stairs leading to the water, on which thronged the gilded barges of courtiers, of ladies and of the Queen. To the south rose Westminster Palace and Abbey, the palace with its "tower of stone, containing a clocke, which striketh every houre on a great bell." According to Stow, "the same clocke, in a calme, will be heard into the citie of London."

The town still had but one bridge, the famous London Bridge, so called, dating from the reign of John, then the largest in the world and the wonder of travellers, with its twenty arches, one of which was movable for the passage of ships, and with the series of houses and shops covering its whole length on both sides. Our author terms it "the immense Rialto of the English capital." The river itself, covered with ships, far more numerous and far larger than in Chaucer's time, was bringing into London at each tide the wealth of the world. A Venetian Ambassador, writing to the Doge in 1596, testifies that "not only are all the ports of England full of ships, but especially the Thames, which from London to the sea measures some forty or fifty Italian miles, where one sees nothing else but ships and seamen." Along the edge of the deep flowing water were lined up, as in Chaucerian days, and as we see them to-day, innumerable dwellings and warehouses. Here and there along the banks were steps for the landing of people and unloading of merchandise; before the Tower was a quay, always provided with ordnance, ready to be quickly put on board, in case of alarm or of a sudden departure. Thence, going westward, would be encountered a number of stairs and water gates swarming with boats: Belin's Gate, much frequented, to-day called Billingsgate; the Steel Yard, centre of the German commerce (cables, pitch, tar, hemp, masts, wainscots, wax, steel, &c.); Queen's Bank, Paul's Wharf; the whole interspersed with taverns and cook shops for sailors, among which M. Jusserand mentions that of "Mother Mam-pudding," harbored in a ruin by the river, as the most famous, pouring out more drinks than any other. The same Venetian Ambassador to whom we have referred bore witness that "so opulent, fat and abounding in all things" was London in 1596 "that it may with truth be said that poverty hath no place there; personally, I have not seen a beggar yet." This assertion is partially contradicted by another statement here quoted, that a familiar sight in London streets was maimed soldiers showing their wounds, and certificates authorizing them to beg all their life time.

II

In the Elizabethan age, as, indeed, for some time afterward, merchants were still grouped together according to their trades. Drapers, shoemakers, hosiers, grocers, apothecaries, brewers (the latter having their reasons for remaining "near to the friendly water of the Thames"), cooks and "pastelers," stock fishmongers and wet fishmongers, gold and silversmiths, kept each to their own street. Stationers and booksellers occupied in crowds Paternoster Row (where, to be sure, they are still), filled the houses erected against the wall of St. Paul's churchyard, and the old charnel house of the cathedral and its chapel, which had been disinfected and "converted into dwelling houses, warehouses and sheds before them for stationers, in place of the tombs." The goldsmiths' quarter dazzled the eye; their street, "the beauty of London," was lined with ornamented houses, four stories high, having painted and gilded façades, displaying at their windows a profusion of goblets, cups, dishes of gold and silver, jewels of every kind and ornaments enriched with precious stones.

The wealth of English traders had been continually increasing throughout the sixteenth century. Even during troublous periods their riches had struck foreign visitors. "It is estimated," wrote a Venetian Ambassador in Mary's reign, "that, in the two companies of 'Adventurers' and of the 'Staplers,' there are many individuals possessed of from fifty to sixty thousand pounds sterling, all or the greater part in ready money, which, according to the present rate of exchange, makes more than 200,000 gold ducats; besides a great number of others in different companies, as the dealers in skins, in spices and grosser articles, who are called grocers, and, which will appear incredible, the company of those who deal in salt (stock) fish; all of them uncommonly rich, either to the amount before mentioned or to a greater sum: so that it may be said with truth that this city may enter into competition with the wealthiest in Europe." The statement was confirmed by Perlin, a Frenchman, who marvelled at the maritime power of the English and at the affluence enjoyed even by craftsmen. He reported that the London workmen earned and spent largely, ate much, drank deep and deprived themselves of nothing. Artisans might be seen "staking their crowns at tennis, and in a tavern making good cheer, oftener than once a day, with rabbits, hares and all sorts of viands."

Merchants, of course, expected to be well fed. Dekker in his "Seven Deadly Sins of London" (1606) says that "the damask coated citizen who sat in his shop both forenoon and afternoon, sneaks out of his own doors, and slips into a tavern, where either alone or with some other that will battel their money together, they so ply themselves with penny pots, pouring into their fat paunches, that at length they have not an eye to see withal nor a good leg to stand upon." The wives of these citizens, who once had been compared to the Sabine women, are now the objects of less flattering comparisons. Many get talked about; they paint, dye their hair, and use such strong perfume that the odors with which they fill their houses can be smelled even in the streets. According to Stubbes's "Anatomy of Abuses" (1583), "the beds wherein they have laid their delicate bodies, the places where they have sat, the clothes and things which they have touched, shall smell a week, a month and more after they be gone." According to Stow, who fondly describes them, "fair houses for merchants" abounded in the London of Elizabeth. Certain streets were lined with them, and they were even richer inside than the outward appearance would indicate. Harrison says that "the walls of our houses on the inner side in like sort be either hanged with tapestry, arras work or painted cloths, wherein either diverse histories, or herbs, beasts, knots and such like are stained." Burghers had handsome furniture, too; plenty of plate, and an abundance of that Murano glass so much in vogue that fortunes had been amassed by importing it. Above all, they made good cheer: "These English," said a Spaniard visiting the town, "have their houses made of sticks and dirt, but fare commonly so well as the king."

M. Jusserand devotes a paragraph to the type and model of Elizabethan merchants, the richest of them all, shrewd, energetic, enterprising, crafty, at once greedy of gain and open handed, using, to enrich himself, methods which in other days would have brought him near the galleys. Sir Thomas Gresham was the Queen's chief financial adviser. He was the Baring of the time, influential in obtaining a lowering of interest on State loans and in bringing about a general recoinage, and a withdrawal of the base money in circulation. He not only built for himself a sumptuous house in London, but endowed the capital with the "Bursse" which it lacked, and which in 1570 Elizabeth renamed the "Royal Exchange," a name which it still bears. The Royal Exchange soon became a place of general rendezvous, where, according to Middleton, people "heard news out of all countries in all languages." Gresham, who had long resided in Antwerp, was familiar with Flemish architecture, and a tower resembling the belfries in Belgium rose above the edifice, among the innumerable towers, turrets and spires which gave London, up to the time of the great fire in the reign of Charles II, the notched profile of an old Gothic town.

Our author recalls that the tallest of these spires, St. Paul, was overthrown by lightning in 1561, but that thereafter the immense cathedral still rose, uncrowned as it was, above the city, recalling with its light flying buttresses, its beautiful rose windows, its stained glass and its profusion of statues the noble churches at Rouen or Amiens. The nave, however, was frequented by many people intent upon anything but prayer. "Paul," as the church was familiarly called, screened talks and meetings far from edifying; open to all comers, the building was a covered walk for the townsfolk. According to Nash (1592), bargains were negotiated there; bad acquaintances were formed; people without a situation stuck their requests for employment on the pillars. It appears from "The Blacke Book" that "villainous meetings, pernicious plots and a million of mischiefs are bred in that cathedral." According to Earle (1628), the only sign that St. Paul's was a church consisted in the number of thieves there: it seemed to be a sanctuary for robbers. Laud, under Charles I., put an end to these disorders.

III.

Beyond London and its suburbs were open fields, trees and green meadows; the parks and the country so alike that they seemed to be a continuation the one of the other; Greenwich below the town, Richmond above, both with their royal palaces, their forests, their green lawns. M. Jusserand points out that compared with that of France the population in the provinces was thin, but that, after long years of trouble, it had begun to assume an air of prosperity, rare at that time in Europe. The masses of the poor, without house or hearth, driven from their rustic hovels by the land owners, ceased at length as Elizabeth's reign went on to draw the attention of the traveller. Many were cared for, thanks to the new poor laws, others were incarcerated, many had died from want or been hanged as vagabonds. Our author quotes the testimony of contemporary foreigners to show that they were amazed at the large quantity of meadows and pastures and the relatively small amount of tilled ground to be seen in the country. There were comparatively few peasants, but immense flocks of sheep bearing fleeces so precious that for England they were truly "golden fleeces."

Already in Erasmus's time—he visited England, it will be remembered, in the reign of Henry VIII.—the building mania had so far developed that in his "Praise of Folly" he refers to the irrepressible builder who changes rounds into squares and squares into rounds, without ever perfecting anything, or understanding what measure means, until, completely ruined, he has to remain roofless and foodless. What would Erasmus have said of Elizabethan England, where, according to Harrison's "Description of Britaine," people build and unbuild, "begin again, follow their own ideas and those of others, give to their castles the shape of a triangle, or that of their initials, or that of an E in honor of Elizabeth." Harrison shook his head at the sight of these "many goodly houses erected in the sundry quarters of this island, rather curious to the eye, like paper work, than substantial and for continuance." He regretted the days of the "sturdy ancestors who cared little for luxury, considered pillows meet only for women in childbed," and were content themselves with "a good round log under their heads." If in the green plains of England villages were relatively rare, sumptuous dwellings abounded. Noblemen, enriched with the spoils of monasteries, or with the product of expeditions they had subsidized, and merchants enriched by their trade, desired to be splendidly lodged. A merchant like Gresham would own two or three magnificent castles, in one of which he entertained Elizabeth.

The conditions of life had changed; old fortresses with their stagnant moats, their thick walls, their infrequent and high pierced windows were no longer in favor. More and more in the course of the century and under the following reign people became enamored of light; proportions were altered; to castles which were all walls succeeded palaces which were all windows. We are told that "looking at Hatfield from the exterior, one seems to see more glass than brick." The reference is to the Hatfield House, built by Robert Cecil in 1611; the older Hatfield, where Elizabeth lived in her youth, is now used for stables. Instead of structures of the heaviest build, there were now dwellings almost ærial, with fragile walls, openwork, undulated, forming, as it were, towers of glass, with numberless nooks and picturesque corners inside, well lighted, where one might read, converse, listen to music and enjoy a comfort so modern that in our own day the inhabitants have had but little inducement to alter it.

Elegant and pleasurable abodes, not impregnable strongholds, were what the Elizabethans wanted. Hygiene and pure air were now thought of, and people fled from the vicinity of stagnant waters, formerly sought in order to fill moats. Not castles alone, but plain houses, too, had the air of prosperity noticeable throughout the land. The farmer had, "beside a fair garnish of pewter on his cupboard, with as much more in odd vessels, going about the house, three or four feather beds, as many coverlids and carpets of tapestry, a silver salt-cellar, a bowl for wine, and a dozen of spoons to furnish up the suit," whereas in former times a newly married pair would save for perhaps seven years before buying their first mattress. More remarkable still, the farmer not only knew how to read, but liked to read; he had books in his chests; so had the London merchant and even the small retailer; the explorer and the pirate, starting for unknown goals, carried books with them, and Frobisher's companions congratulated themselves on the absence of night in the northern summers because they could read as much as they pleased without candles. Clerks and citizens, farmers on a visit to town, shipmasters on the eve of going to sea, crowded together in the playhouses of Southwark and elbowed each other before the booksellers' stalls in St. Paul's churchyard.

IV.

In the fourth and final chapter of this volume our author traces the upgrowth of prose fiction in England, which began much later than on the Continent. The "Decameron" of Boccaccio belongs to the middle of the fourteenth century, and prose narratives written to please, works of art and beauty, early abounded in France. England, also, had made two early ventures in this field: once in Anglo-Saxon, and again, after the Norman Conquest, in Anglo-French. The third essay in the same direction was made in the sixteenth century. Before Elizabeth came to the throne some isolated works of prose fiction had been turned into English, such as the story of Lucrece of Sienna, the famous Latin novel of Æneas Sylvius Piccolomini; afterward whole series of novels were reproduced from Italian, French, and occasionally Spanish authors. Paynter's collection of stories, "The Palace of Pleasure," appeared eight years after the accession of Elizabeth: it was a true storehouse for dramatists, Shakespeare borrowing from it two of his plots, while Beaumont and Fletcher, Marston, Massinger, Middleton, Webster, Shirley, &c., all turned some of the tales into dramas. In the next year came the publication of another collection; still others followed. To answer the increasing demand for this sort of literature the old romances of chivalry no longer sufficed. They still held their own, however, to a considerable extent, and the taste for imaginary adventures was yet far from dead. The old "Morte d'Arthur" retained its readers, and before the close of Elizabeth's reign the huge prose compositions of Hispano-Portuguese origin, "Amadis," "Belianis," &c., which were to trouble Don Quixote's brain and later to enchant the mind of Edmund Spenser, were translated into English. Even the older stories of Isumbras, Robert the Devil, Eglamour, Bevis of Hampton, Guy of Warwick and the like were reprinted in popular form to charm the common people. Notable, also, was the growing success of anything written in lively prose and dealing with the manners of the day: Ascham's treatises, for example, or such a book as Bullein's "Dialogue, Both Pleasant and Pitiful, Against the Fever Pestilence," a work so full of observation, wit and humor that M. Jusserand would class it rather among tales, or even plays, than among sober disquisitions. It came very near to the novel proper, for the successive scenes were connected and formed a kind of story.

The decisive attempt at prose fiction was not to be long delayed. Our author recalls that the first person who ventured upon an original narrative in English prose composed in such a way that it must be called a novel in the modern sense of the word, was a penniless young man of twenty-five, fresh from the university, and totally unknown the day before. He took it into his head to satisfy the wants of his contemporaries, as he understood them, and became immediately famous. John Lyly was his name; he published, about Christmas Day, 1578, "Euphues, the Anatomy of Wit," and two years later a second venture in the same direction, "Euphues and His England." That he addressed himself especially to the ladies was not exactly an innovation, for he had had at least two predecesors in that device, who, however, had passed unobserved. The second part of Lyly's novel was dedicated "To the Ladies and Gentlewomen of England." In his eyes, he tells them, their approval will be the most important of all: "It resteth, Ladies, that you take the pains to read it, but only at such times as you spend in playing with your little dogs, and yet will I not pinch you of that pastime, for I am content that your dogs lie in your laps, so Euphues may be in your hands, that, when you shall be weary in reading of the one, you may be ready to sport with the other. Euphues had rather lie shut in a lady's casket than open in a scholar's study." In a word, with Lyly begins the literature of *salons*, the sort of literature discussed in drawing rooms, the products of which have not ceased to occupy a favorite place on boudoir tables, not far from the same "little dogs." Great in proportion to the newness of the attempt was the trouble taken by Lyly to succeed and to please his patronesses; great his care to decorate his thoughts and wreathe his speeches with flowers. He did succeed; he did please; he founded a school; indeed, the name of his hero became historic, and has been used for centuries to designate a special type, the euphuistic.

Our author reminds us that Lyly's system had its abettors in Spain and in France, and had shone in writings, some of which were well known to the composer of "Euphues." Foremost among these had been the Spanish "Golden Book of Marcus Aurelius the Emperor," published in 1529, translated into French in 1531, and into English three years later. Flowers of the same kind grew on French soil; St. Francis of Sales was to cultivate them a little later. Even a few Englishmen, Pettie, for one, had made some use of this style before Lyly, but without attracting attention. Lyly made it the fashion, for about a dozen years. In the opinion of M. Jusserand, the material beneath Lyly's embroideries was worthy of attention. For all his tinsel, the author of "Euphues" filled an important place in the evolution of the English novel; with him we leave the epic and chivalrous romance, to approach the novel of manners. We no longer have to do with King Arthur and his Knights of the Table Round, but with the writer's contemporaries, who are interested in the questions of the day, and whose conversation, in spite of their superabundant flowers of speech, recalls that of the well bred people of their time. Lyly's praise of English women, whom he described as "models of beauty and virtue, whereas those of other countries all had lovers and spent their time painting their faces," gave the finishing stroke to the popularity of the novel; it reached the extraordinary number of six editions in seven years. "Euphues" indeed was read long after the euphuistic style had ceased to be the fashion; it had its seventeenth edition in 1636, and an abridgment was printed as late as 1718, in Richardson's lifetime.

V.

Lyly had forthwith many successors. The best known of these was Robert Greene, who in 1580 wrote his euphuistic novel, "Mamilia, or Looking Glass for the Ladies of England," and did not cease till his death in 1592 to flood the market with novels and tales, amorous, pastoral, comic, autobiographical and didactic. Greene expressly connected his own work with the euphuistic cycle. He named his model on the first page of his book. There was, however, no order in his romantic brain; none in his novels, his plays, his life. He was the type of the literary and dissolute Bohemians of the Elizabethan period, when, according to Meres (1598), a decent life was "almost miraculous among good wits in these declining and corrupt times." Like Lyly, Greene displayed, even in his romantic stories, edifying intentions; this ne'er-do-weel was bent on improving his contemporaries' morals. To the merits of Lyly he added the gift of poetry, and the lyrical pieces scattered through his novels were among the best of the period. In his garret he had visions of delight; while his mistress was blaspheming at his side he would be dreaming of enchanted lands where life is pure and the very peasants speak like poets. His novel, "Pandosto," that endowed Bohemia with sea coasts which that country still retains in the "Winter's Tale," had an unprecedented popularity, went through numerous editions in England, and in 1615, when the very name of Shakespeare was unknown in France, received there the honor of a translation. In the same country it was twice turned into a drama, put on the stage of the Hôtel de Bourgogne, and translated again with alterations in 1626, when it had no less a reader than the future Grand Condé. It was once more translated, and published at Paris, with engravings, in 1722, when French theatregoers were still unaware of the existence of a "Winter's Tale."

Greene's novels were so popular with feminine readers that he was called the "Homer of Women." He was, however, not only the most successful writer of romance and adventure, but he may also be described as the first master of the picaresque or "rogue" novel in the England of his day, though some of the "Canterbury Tales" had been, of course, experiments in the same field. The acknowledged model of the type in the sixteenth century, the "Lazarillo de Tormes"—the first Spanish edition was printed shortly before 1550—had been read with delight all over Europe, for *picaros* were not confined to Castile, but were as well known in Paris and London as in Madrid.

Some of Greene's novels and treatises described everyday life; were, in other words, confessions and autobiographical tales. Thus his "Life and Death of Ned Browne," "one of the most notable cutpurses in England," is a picaresque narrative, in which "he telleth in his own person his strange pranks." This was the initial member of a series which later was to include Defoe's "Col. Jack" and "Moll Flanders," Fielding's "Jonathan Wild," and Thackeray's "Barry Lyndon." In our author's judgment, however, Greene's best picaresque romance is his own life told by himself in his various confessions. "The accent of truth," says M. Jusserand, "is undeniable; coming from the heart, Greene's words go to the heart; near to death the writer conceals nothing, draws realistic portraits, reproduces dialogues which he had heard, and leads us among the people, good or bad, with whom he associated." Again, "he pushes open the doors of taverns and playhouses, points his finger at a youth patching up, as best he may, dramas and comedies." "Beware of that Shake-scene," says Greene to his stage compeers; he takes from us our feathers and our place. "Well might they beware. Shake-scene was indeed to occupy one day a not inconsiderable place in literature under his true name of Shakespeare." Once more: Greene "urged his friends to avoid bad company, those courtesans whom he had known only too well, and who had received from the devil angels' faces; he ends with good advice, written in a hand unsteady from fever and the approach of death, those tragic 'Scènes de la Vie de Bohème' that were witnessed in Elizabethan days."

VI.

One of Greene's best friends, Thomas Nash, who, like Greene, Peele and Marlowe, was to die in the neighborhood of thirty, was the next best contemporary reproducer of the picaresque style. Our author points out that the hero of Nash's novel, "Jack Wilton," a rascally young page who relates his own adventures, is nearer in respect of type to his successor, Gil Blas, than to his ancestor, Lazarillo. We quote M. Jusserand's description of him: "With knowledge enough to impose upon people, he dupes fools, ingratiates himself with the clever, slips through dangers, ever on the watch for pleasure, catching blows at times, but setting out again through life with an agile gait, never dismayed, convinced that the world is filled with silly animals, meant to be food for ingenious people without a conscience." Like many a counterpart in later novels, Jack Wilton goes up and down the social ladder, according to luck, visits various countries, is present at great historical events, meets famous personages; so that this picaresque tale is also a historical novel. Sir Thomas More revising his "Utopia," John of Leyden led to the scaffold, the Earl of Surrey jousting in honor of fair Geraldine, Erasmus, Aretino, Luther in debate, Francis I. victorious at Marignano, figure one after the other in the story. At Venice Jack elopes with an Italian lady, deserts his master, the Earl of Surrey, and passes himself off as the Earl. He is at Rome during the plague, which he describes; but he says nothing of the monuments, because he considers them a threadbare subject for the English reader. As Nash puts it, "he that hath but once drunk with a traveller talks of them." Pacing once more the London pavement, the page gives himself airs, a feather in his cap "as big as a flag in the foretop," and a cloak "overspreading his back like an elephant's ears." His end resembles that of Gil Blas; "the knave, grown rich, deems that the moment has come to range himself, to take rank among sedate, honest people; so he marries his Venetian mistress, and bringing us back to Henry VIII.'s army, concludes with the festivities at the Field of the Cloth of Gold the most eclectic and diversified career ever assigned to the hero of any English novel before Defoe. The picaresque novel, although in this example of it the personages are delineated with a firm pencil and in lifelike attitudes, even the peculiarities of their costume being not forgotten, did not easily take root in England. "Jack Wilton," in spite of its merit and of the considerable place allotted in it to adventures, was not once reprinted between 1594 and 1884. Nash's attempt, however, was not destined to remain an isolated one; but Defoe, Fielding and Smollett were needed to make the *genre* popular.

M. W. H.

The Importance of Acquaintance With International Law.

We have before us the first number of a quarterly review entitled *The American Journal of International Law*, published in Baltimore at the Waverly Press by the American Society of International Law. The purpose of this publication is set forth in an introduction by Secretary Root, who directs attention to the rapid increase of popular control over national conduct in international affairs, a control which makes it indispensable that the great body of the people in any self-governing country should form a right conception of their international rights and duties. It is with a view of promoting the dissemination of such a conception that the new quarterly has been founded. Among other interesting articles in the initial number may be mentioned one on "International Responsibility to Corporate Bodies for Lives Lost Through Mob Violence," by ex-Secretary of State John W. Foster, and another on "The Future of International Law" by ex-Assistant Secretary of State John Bassett Moore. Useful and timely, also, will be found the exposition and discrimination of the Calvo and Drago doctrines by Mr. Amos S. Hershey, professor of international law in the University of Indiana. Among the editorial comments which deal with current questions of moment are one on the nature of the Provisional Government in Cuba, and another on the segregation of Japanese in San Francisco public schools. We should add that the first number of the quarterly is accompanied with a supplement comprising upward of a dozen international agreements, a knowledge of the precise text of which is manifestly essential to an intelligent discussion of the subjects involved. It is to be hoped that the American press will appreciate the singular helpfulness of such a publication to the formation of correct public opinion.

I.

Prof. John Bassett Moore points out in his article on the present and future of international jurisprudence that there are two modes in which international law may be developed. The first is the general and gradual transformation of international opinion and practice; the second is the adoption of a specific rule of action by an international act in its nature legislative. The operation of the former mode is often difficult to follow in its details; nevertheless, its effects are potent and undeniable. Prof. Moore finds a clear and precise example of the influence of time and usage on international law in the opinion of the United States Supreme Court in the case of certain Spanish fishing smacks which were seized by American cruisers during the war between the United States and Spain, with a view to their confiscation as enemy's property. The decision was that coast fishing vessels, unarmed and honestly pursuing the peaceful calling of catching fish, were exempt from capture as prizes of war. In reaching this conclusion, the court considered the question whether the exemption was merely a matter of "comity," as was urged by those who sought the condemnation of the vessels, and who cited on behalf of their contention authority dating back nearly a century. Our supreme Federal tribunal, pointing to later practice, declared that the period of almost a hundred years was "amply sufficient to have enabled what originally may have rested on comity, courtesy or concession, to grow, by the general assent of civilized nations, into a settled rule of international law."

As regards the other mode of modifying and improving international law, Prof. Moore points to several acts of international legislation which have taken place during the last century. For instance, by the Congress of Vienna in 1815, rules were adopted, which have attained world wide acceptance, with reference to the navigation of international rivers. By the same Congress and the subsequent Congress of Aix-la-Chapelle the since accepted grades of diplomatic representation were established. Much more memorable and important, from the point of view of international legislation, was the declaration concerning maritime law made in 1856 by the Congress of Paris. Prof. Moore reminds us that three out of the four rules embraced in the declaration are now universally acknowledged as rules of international law. As for The Hague Congress which met in 1899, it obviously forms an epoch in the history of the law of nations, and demonstrates that the future expansion of international jurisprudence requires the attainment of some method or form of organization for the common interpretation and enforcement of international law without creating the legal condition of things called a state of war.

II.

In his article on the Calvo and Drago doctrines, often assumed to be identical, Prof. Hershey shows that they differ materially in two respects. The Drago doctrine is much narrower in scope than that of Calvo. Señor Drago merely contends that armed intervention is not a legitimate means of collecting public debts, whereas Calvo had denied the right to employ force in the collection of all claims, public or private, of a pecuniary nature. Indeed, Calvo went a step beyond this position. He absolutely denied that a Government is responsible, by way of indemnity, for losses or injuries sustained by foreigners in time of internal troubles or civil war, or for injuries resulting from mob violence (provided the Government is not at fault), on the ground that the admission of such a principle of responsibility would "establish an unjustifiable inequality between nationals and foreigners," and would undermine the independence of weaker States. He does not even admit that the ordinary channels of diplomacy should be open to claimants in such cases.

Elsewhere in his article Prof. Hershey expresses the opinion that both the wider Calvo and the narrower Drago doctrines are essentially sound in principle and expedient as policy, although he thinks that Calvo went too far in condemning diplomatic interposition, or the presentation of claims for indemnity, in all cases, and did not sufficiently allow for exceptions to general rules or principles otherwise sound and correctly stated by him. He reminds us, finally, that in his message of December 5, 1905, President Roosevelt pronounced himself with vigor in favor of the Drago doctrine. Prof. Hershey's own conviction is that in view of the suspected character of many, if not most, of the claims put forward against our sister commonwealths, and of the danger to the peace and safety to the States of Latin-America resulting from the forcible collection of such claims by leading European Powers, the United States would be fully justified in advancing a step beyond the Drago doctrine, and declaring formally to the world that it could not see with indifference any attempt at the forcible collection even of private claims of a pecuniary nature on the western continent. He thinks that the wisdom of such a course is greatly strengthened by the unexpected and regrettable decision of The Hague tribunal, rendered on February 22, 1904, which granted the contention of the British, German and Italian allies that they were entitled to preferential treatment over France and other noncoercing creditor States, in consequence of their coercion of Venezuela. Thus did a court, ostensibly established in the interest of peace, put a premium upon warlike as opposed to pacific methods.

III.

What is the international status of Cuba since President Roosevelt's appointment of Mr. Charles E. Magoon as Provisional Governor of the island? An attempt to answer this question is made in the editorial comments. In the editor's judgment the present Government of Cuba, while termed provisional, to distinguish it from the previous Government composed of officials elected or selected by Cubans, is as truly a constitutional Government as was the Government headed by President Palma. It is constitutional because it is provided for and is in strict accordance with the letter and spirit of the Cuban Constitution, promulgated May 20, 1902, which in Annex III. expressly states that "the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, for the maintenance of a Government adequate to the protection of life, property and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba." It follows from this article that, from the Cuban point of view, the United States possesses the constitutional right to intervene in the affairs of Cuba for certain clearly defined purposes, and that the Government established by such intervention is the Government prescribed and recognized by the Constitution of Cuba itself. Gov. Magoon, therefore, having been appointed by the United States Governor of Cuba to carry out the specified purposes of intervention, is Cuba's constitutional Executive.

The editor of the *International Law Quarterly* goes on to maintain that the act of the President of the United States in intervening and appointing Magoon Governor is not only constitutional, according to Cuba's organic law, but is also lawful according to the laws of the United States, because an act of Congress of the United States, approved March 2, 1901, commonly known as the Platt Amendment, recognized and stated the right of the United States to intervene in the exact language of Annex III. of the Cuban Constitution above set forth. As a matter of history, we are reminded that this clause of the Cuban Constitution was the exact language of the act of Congress of March 2, 1901, which thus was incorporated bodily into the Cuban organic law. Nor is the proof of the lawfulness of the transaction yet exhausted. For, in Article III. of the treaty between the United States and Cuba, concluded May 22, 1903, the ratifications of which were exchanged July 1, 1904, the language of the act of Congress of March 2, 1901, and of Annex III. of the Cuban Constitution, reappears in the exact words of our act of Congress and of the Cuban Constitution. The lawfulness, then, of the intervention is attested by two laws of the United States, namely, the act of Congress and the treaty; and inasmuch as under our Federal organic law the President "shall take care that the laws be faithfully executed," it follows that the President was not only permitted to intervene, but by the Constitution and by his oath of office the duty of intervention was imposed upon him in obedience to the laws with the execution of which he was charged. Hence the Provisional Government established, and now existing, in Cuba is the constitutional Government of that island. It is the Government of Cuba, and in no sense the Government of the United States. In other words, Cuba is in possession of its own Government, and is not occupied by the United States.

This, at all events, is the theory of the intervention, and such, too, is the actual status. The Republic of Cuba continues to exist as a separate and independent international entity; its diplomatic Ministers and Consuls to foreign countries remain under the Provisional Government and report thereto; the Ministers and Consuls of foreign countries remain in Cuba as under the Administration of President Palma, and continue to exercise their ordinary and legitimate functions as if no change had occurred. The Cuban Minister to the United States continues to discharge his functions in Washington and the American Minister to Cuba remains in Havana to represent the interests of the United States and to serve as the intermediary between Cuba's Provisional Government and the United States. In a word, nothing has been changed except the personnel of the Cuban Government; the constitutional Administration of Palma has been succeeded by the no less constitutional Government of Magoon and the Cuban Republic remains intact.

IV.

In the editorial comment on the Japanese school question the editor of the *International Law Quarterly* takes ground sharply distinguished from that occupied by ex-Secretary of State Olney, who negotiated the treaty of 1894 between the United States and Japan. The former contends that a treaty made by the cooperation of the President and two-thirds of the Senators present is supreme, and supersedes the provisions of State Constitutions and statutes inconsistent with the treaty. This, he asserts, is established doctrine, and he quotes a number of decisions as authorities.

Mr. Richard Olney, on the other hand, maintains, in a letter addressed to Representative McCall of Massachusetts, that even if there were an irreconcilable conflict between the laws of the State of California and the rights alleged to have been granted to Japan by treaty the Japanese position would in his judgment be untenable, and he proceeds to quote as bearing upon the point the opinion of the United States Supreme Court in the case of South Carolina against the United States. Mr. Olney goes on, however, to assert that as a matter of fact no such conflict between the State laws of California and the treaty rights of Japan as has been generally taken for granted really exists. He points out that the second article of the treaty between the United States and Japan contains an explicit reservation, in favor of California and of every other State in the Union, of such rights as California has exercised in the organization of its San Francisco public schools. For Article II. of the treaty runs as follows: "It is, however, understood that the stipulations contained in this and the preceding article [the article, i. e., granting to Japanese the same rights of residence and travel, or with reference to the possession of goods and effects of any kind, the succession to personal property and disposal of property of any sort, or to imposts or charges, the same privileges, liberties and rights as belong to American citizens or to subjects of the most favored nation] do not in any way affect the laws, ordinances and regulations in regard to trade, to the immigration of laborers, to police and public security, either now in force or which may hereafter be enacted in either of the two countries."

By the second article of the treaty, then, the whole police power of the United States, both that vested in the Federal Government and that reserved to the constituent States, is excepted from the operation of the treaty concluded between the United States and Japan. Mr. Olney submits that as it has never been doubted heretofore it will not now be, that the regulation of its public schools is an exercise of the police power reserved to each State. It follows, according to the ex-Secretary of State, that what California has chosen to do with reference to the San Francisco public schools raises no question under the treaty with Japan, and is a matter with which the national Government has no right to concern itself. Japan, in fine, unless some other meaning than that ascribed by Mr. Olney shall be given to the treaty phrase "police and security," is wholly without cause of complaint against California by reason of that State's public school regulations, and the United States is without legal ground of interference therewith, *vi et armis* or otherwise. When Secretaries of State disagree, who shall decide? Secretary Olney, who negotiated the treaty, unquestionably knows what he meant the treaty to concede. The only remaining question is whether he succeeded in making the treaty express his meaning.

Kaiser Wilhelm's Eagle Eye.

From T. P. O.

It is satisfactory to be assured that the Kaiser's eagle eye has lost nothing of its keenness. Not long ago he was walking through the Thiergarten when he passed some one in an officer's uniform who stood at attention and saluted.

"Who are you?" demanded the Kaiser; "what's your regiment?" "Paymaster of the —— Regiment, your Majesty." "Surely, that's a mistake," said the Emperor sharply. "You mean assistant paymaster." "No, sir, paymaster," rejoined the other. "Then where's your eagle?" demanded the Kaiser. As war lord he had just issued a new army regulation requiring paymasters to wear a tiny gold eagle in their caps between the cockades to distinguish them in uniform from commissioned officers.

The distinction is unwelcome among the men most concerned by it. Small as the badge is, the Kaiser had at once spotted its absence. "I forgot to put it in, your Majesty," stammered the delinquent. "When I issue a regulation I don't expect it to be forgotten," remarked the Kaiser caustically.